



RECEIVED
MAR 20 2003
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: OSBAKKEN *et al.*
Serial No.: 09/942,959
Confirmation No.: 7962
Filed: August 31, 2001
For: AEROSOLIZED ANTI-INFECTIVES,
ANTI-INFLAMMATORIES, AND
DECONGESTANTS FOR THE
TREATMENT OF SINUSITIS
Art Unit: 1616
Examiner: R. DeWitty

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label Number
EV260180058US
Date of Deposit March 11, 2003

I hereby certify that this paper is being deposited
with the United States Postal "Express Mail Post
Office to Addressee" Service under 37 C.F.R.
§1.10 on the date indicated above and addressed
to:

Commissioner for Patents, U.S. Patent and
Trademark Office, P.O. Box 2327, Arlington, VA
22202


Michael Lough

11/B
A. Harmon
3/20/B

ELECTION AND PRELIMINARY AMENDMENT

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

Responsive to the Office Action, mailed December 31, 2002, applicant elects, Group II, claims 67-69, drawn to method of treating sinusitis, without traverse. Further, applicant elects methods in which the composition contains betamethasone and polysorbate for search purposes. Upon entry of the Preliminary Amendment herein, all pending claims read on the elected species. Preliminary to examination of the above-captioned patent application, please amend the application as follows:

IN THE CLAIMS:

Please cancel pending claims 38-66 and 70-72 without prejudice or disclaimer.

Please add claims 73-92 as follows:

73. ~~The method of claim 67, wherein the surfactant is selected from the group consisting of polyethylene glycol, sodium lauryl sulfate, sorbitan esters, polysorbates, tyloxapol or benzalkonium chloride.~~

Sub E4